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Specialty Eggs, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA, NORTHERN DIVISION

CHARLES CURTIS REED,

Plaintiff,

v.

TRAVIS J. HOSTETLER, FAIRFIELD
EGGS, INC., DOES 1-10, and ROE
CORPORATIONS 1-10, inclusive,

Defendants.

Case No.

**NOTICE OF REMOVAL OF ACTION BY
DEFENDANTS PURSUANT TO 28 U.S.C.
§1332 AND 28 U.S.C. §1441(b)**

TO: THE CLERK OF THE COURT; ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441, Defendants, Travis J. Hostetler and Fairfield Eggs, Inc. (collectively "Defendants"), by and through their attorneys of record, MCCORMICK, BARSTOW, LLP, hereby give notice of removal of the above-entitled action from the Second Judicial District Court, County of Washoe, Case No. CV21-01040, to the United States District Court for the District of Nevada and further states as follows:

STATEMENT OF JURISDICTION

This Court has original jurisdiction under 28 U.S.C. § 1332 based on diversity of citizenship and removal is therefore proper under 28 U.S.C. § 1441(b) as there is complete diversity between the parties and the matter in controversy exceeds \$75,000.00.

THE REMOVED CASE

The removed case is a civil action and was filed on June 4, 2021 in the Second Judicial District Court of Nevada, Washoe County, having been assigned Civil Case No. CV21-01040, captioned *Charles Curtis Reed, Plaintiff, v. Travis J. Hostetler, Fairfield Specialty Eggs, Inc., Does 1-10, and Roe Corporations 1-10, inclusive*. A copy of Plaintiff's Complaint is attached and included as *Exhibit "1"*. Plaintiff alleges in the removed case that on June 11, 2019, in Elko County, Nevada, Plaintiff's vehicle was struck by a vehicle driven by Defendant Travis J. Hostetler and owned by Defendant Fairfield Specialty Eggs, Inc. (Ex. 1, ¶ 5-6).

As required by 28 U.S.C. § 1446(a), a copy of all processes Defendants received, pleadings and orders served upon Defendants in the removed case are attached as *Exhibits "1" and "2"* hereto.

REMOVAL IS TIMELY

This action was commenced on June 4, 2021. The Summons and Complaint was served upon Defendant Fairfield Specialty Eggs, Inc., on June 9, 2021. No other service has been effectuated. Thus, this removal is within 30 days of receipt of the Summons and Complaint by Defendants.

VENUE REQUIREMENT IS MET

Venue is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court of the District of Nevada embracing the place where the state court action is pending.

DIVERSITY OF CITIZENSHIP EXISTS

This is a civil action that falls under the Court's original jurisdiction under 28 U.S.C. § 1332 (diversity of citizenship) and is one that may be removed to this Court based upon diversity of citizenship pursuant to 28 U.S.C. §§ 1441 and 1446. Plaintiff alleges that he is a resident of Washoe County, Nevada. Plaintiff further alleges that Defendant Hostetler is a resident of the state of Illinois, and that Defendant Fairfield Specialty Eggs, Inc. is a foreign corporation doing business in the State of Nevada. Fairfield Specialty Eggs, Inc. has its principal place of business in in Illinois, and thus, is a citizen of the state of Illinois for the purposes of determining diversity.

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THE AMOUNT IN CONTROVERSY

In this action, Plaintiff alleges two (2) causes of action. In Plaintiff's prayer, he seeks substantial and additional damages in excess of \$15,000 for each cause of action. Plaintiff has alleged that he has incurred past medical specials of \$105,492.00 and has made a settlement demand to Defendants insurance company, Progressive Insurance Company, of \$410,000. Hence, by a preponderance of the evidence, and with all categories of damages alleged taken into account, this action alleges an amount in controversy in excess of \$75,000.00.

For these reasons, the state court action may be removed to this Court by Defendants in accordance with the provisions of 28 U.S.C. § 1441(a) because: (1) the action is a civil action pending within the jurisdiction of the United States District Court for the District of Nevada; (2) this action is between citizens of different states; and (3) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

FILING REMOVAL PAPERS

Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action has been provided simultaneously to Plaintiff. A copy of this Notice of Removal will be filed with the Clerk of the Second Judicial District Court of Washoe County, Nevada.

Wherefore, Defendants hereby removes the above-captioned action from the Second Judicial District Court of Washoe County, Nevada, and requests that further proceedings be conducted in this Court as provided by Law.

Dated: July 9th, 2021

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

By: /s/ Michael A. Pinta
Michael A. Pinta
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Attorneys for Defendants Travis J. Hostetler and
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